

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

| | | |
|---------------------------|---|--------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Cause No. 1:13-cr-0169-SEB-DML |
| |) | |
| ANTONIO D. BROWN, |) | - 02 |
| |) | |
| Defendant. |) | |

REPORT AND RECOMMENDATION

On June 8, 2020, the Court held a hearing by videoconference on the Petition for Warrant or Summons for Offender Under Supervision filed on April 30, 2020. Defendant Brown appeared in person with his appointed counsel Gwendolyn Beitz. The government appeared by Michelle Brady, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Jamie Roberts.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Brown of his rights and ensured he had a copy of the Petition. Defendant Brown orally waived his right to a preliminary hearing.

2. Violation No. 1 as set forth in the Petition related to the following condition of Defendant Brown's supervised release: The defendant shall refrain from any unlawful use of a controlled substance. [Dkt. 105.] After being placed under oath, Defendant Brown admitted to having used cannabinoids on or about January 15, 2020.

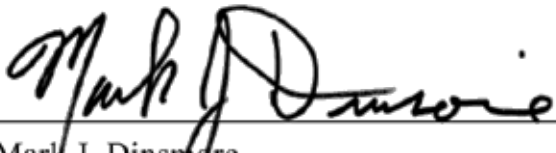
3. The Court finds that that:
- (a) The highest grade of violation is a Grade C violation.
 - (b) Defendant's criminal history category is II.
 - (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 4 to 10 months' imprisonment.
5. The parties jointly recommended a 90-day modification of Defendant Brown's conditions of release to include a curfew.

The Magistrate Judge, having considered the factors set forth in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the condition set forth in the Petition, and recommends that the conditions of Defendant Brown's supervised release be modified for a period of ninety (90) days to include the following requirement:

"You are restricted to your residence every day as directed by the United States Probation Office or supervising officer. All other conditions of supervised release remain in effect."

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: 12 JUN 2020



Mark J. Dinsmore
United States Magistrate Judge
Southern District of Indiana

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